



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/957,498	10/24/97	REEDER	S Q1838-01

WALTER L BEAVERS
326 SOUTH EUGENE STREET
GREENSBORO NC 27401

IM31/0105

EXAMINER

LORIN, F

ART UNIT PAPER NUMBER
1733 2

DATE MAILED: 01/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/957,498	Applicant(s) Reeder et al
	Examiner Francis J. Lorin	Group Art Unit 1733

Responsive to communication(s) filed on _____.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) 6-9 and 18-22 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-5 and 10-17 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____;

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1733

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5 and 10-17, drawn to a method of making a window, classified in class 156, subclass 109.
 - II. Claims 6-9 and 18-22, drawn to a window or mullion, classified in class 52, subclass 204.5.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by applying a latex film and laminating rather than spraying the latex and drying.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Beavers (with examiner Richardson) on September 28, 1998, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-5 and 10-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-9 and 18-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Art Unit: 1733

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mistrick et al (U.S. Patent No. 4,348,435).

The reference teaches making a window using a latex primer and an adhesive, the primer being applied in any suitable manner, see the abstract, column 2, lines 9-47 and column 3, lines 34-39, for the purposes of making a stronger bond. Although the reference does not disclose the use of the primer as a sealant, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a sufficient layer of primer to ensure both a strong bond between the parts of the window and to seal the window thereby preventing the passage of moisture into the air space of the window. Note that it is well known in the art of making insulated windows to seal the enclosed air space to prevent the ingress of moisture.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis J. Lorin whose telephone number is (703) 308-2061.

Any inquiry of a general nature can be directed to the Group receptionist at (703) 308-0651.

Art Unit: 1733

The FAX number for any official papers (i.e., papers that will be entered as part of the file wrapper) for Group Art Unit 1733 is (703) 305-3601.

Any unofficial papers (e.g., proposed amendments) can be submitted by FAX using 305-7115.



FRANCIS J. LORIN
PRIMARY EXAMINER
ART UNIT 1733

Francis J. Lorin
December 21, 1998